

REMARKS

Initially, Applicant would like to thank the Examiner for the courtesy of the telephone interview conducted on May 12, 2005. During the interview the Examiner and Applicant's representative discussed the Examiner's rationale in finally rejecting the independent claims in the outstanding Office Action. Applicant's representative proposed an amendment to add a new limitation to all independent claims where the recipient is capable of managing the stored addresses in the system by at least changing the preferred address. Examiner agreed that the new limitation would overcome the current citation of the reference, but that he will conduct further consideration and/or search upon receiving an official response.

A. Background

Claims 1-6, 8-19, 21-25, 28, 29, and 31 were pending in the application at the time of the Office Action. Claims 1-6, 8-19, 21-25, 28, 29, and 31 were rejected as being anticipated and/or obvious over cited prior art. By this response applicant has amended claims 1, 14 and 29. As such, claims 1-6, 8-19, 21-25, 28, 29, and 31 are presented for the Examiner's consideration in light of the following remarks.

For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

B. Proposed Claim Amendments

By this response, Applicant has amended claims 1, 14, and 29 to incorporate the limitation proposed in the telephone interview discussed above, which is that the recipient is capable of managing the stored addresses in the system by at least changing the preferred address. Applicant

submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

Paragraph 8 of the Office Action rejected claims 1-4, 8-10, 12-17, 21-23, 25, 28, 29, and 31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,928,325 to Shaughnessy. Shaughnessy teaches that the decision as to which user device is to receive a message can be based on select system based rules and identifies various types of select system based rules as a table look up, the format type of the message, the source of the message, or the usefulness of sending a message to a particular device. *Shaughnessy*, col. 5, lines 17-28. Even if, *arguendo*, the “recipient” is involved in an initial set up of the “system based rules”, such as a look-up table, none of the methods of the Shaughnessy reference disclose or suggest the ability of the “recipient” or user to subsequently select a different address as a new preferred address where messages are to be sent.

Thus, the Shaughnessy patent does not teach or disclose a recipient choosing or selecting “at least one of the stored addresses as a preferred address for communication with said recipient ...[and] said recipient selecting a different at least one of the stored addresses as a new preferred address for communication with said recipient,” as recited in claims 1 and 29, or a system “wherein ... said recipient can initially choose at least one of the stored addresses to be the preferred address and can subsequently change the preferred address by choosing a different at least one of the stored addresses to be a new preferred address,” as recited in claim 14. Because these limitations are not taught in the Shaughnessy reference, Applicant respectfully requests that the anticipation rejection with respect to independent claims 1, 14 and 29 be withdrawn.

Claims 2-4, 8-10, 12-13, 15-17, 21-23, 25, 28 and 31 depend from claims 1, 14 or 29 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-4, 8-10, 12-13, 15-17, 21-23, 25, 28 and 31 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1, 14 and 29. As such, Applicant respectfully requests that the anticipation rejection with respect to these claims be withdrawn.

Paragraph 9 of the Office Action rejected claims 5 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Shaughnessy patent in view of U.S. Patent No. 5,901,359 to Malmstrom. Claims 5 and 18 depend from claims 1 and 14, respectively, and thus incorporate the limitations

thereof. As such, applicant submits that claims 5 and 18 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 14. As such, Applicant respectfully requests that the obviousness rejection with respect to claims 5 and 18 be withdrawn.

Paragraph 10 of the Office Action rejected claims 6, 11, 19, and 24 under 35 USC § 103(a) as being unpatentable over the Shaughnessy patent in view of U.S. Patent No. 6,018,657 to Kennedy. Claims 6, 11, 19 and 24 depend from claim 1 or 14 and thus incorporate the limitations thereof. As such, applicant submits that claims 6, 11, 19 and 24 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 14. As such, Applicant respectfully requests that the obviousness rejection with respect to claims 6, 11, 19 and 24 be withdrawn.

No other objections or rejections were presented in the Office Action.

D. Conclusion

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-6, 8-19, 21-25, 28, 29 and 31 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 8th day of June 2005.

Respectfully submitted,



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